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Docket: 6599 DEB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Peter and Beat Kindler

Serial No.: 09/403,443

Filing Date: October 22, 1999

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Technology Center 2100

Title: Propelling Device for a Piston in a Container Containing a Liquid Medicament

**Petition Under 37 CFR §1.181 for
Reconstruction of File and Examination Thereof**

Assistant Commissioner for Patents
Box PCT
PCT Legal Department
Washington D.C. 20231

Dear Sir:

This petition under 37 CFR §1.181 is being filed because the PCT Branch of the U.S. Patent Office has informed Louisa Pineault, a legal assistant working with the undersigned, that the file for the above-identified application cannot be located. The facts are as follows:

1. On October 22, 1999, the undersigned filed an application under 35 USC 371. A copy of the application as filed, including the Transmittal, attachments, Preliminary Amendment, and

Express Mail mailing label number EL 501 538 364 US

Date of Deposit December 13, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington D.C. 20231

Elvina Smith

Name

Elvina Smith

Signature

Information Disclosure Statement is enclosed, along with copies of the Express Mail Label EL 115 447 733 US stamped by the U.S. Post Office on October 22, 1999.

2. According to the bank records of the undersigned, the \$970.00 check which was enclosed with the filing (check no. 807890) was cashed on October 29, 1999.

3. On October 29, 1999, the undersigned received an unofficial postcard filing receipt from the U.S. Patent Office, providing the application number "09/403,431" and acknowledging a receipt date of October 22, 1999 in the PCT/PTO Branch. A copy of the postcard is enclosed.

4. On March 24, 2000, Louisa Pineault, a legal assistant working with the undersigned, telephoned the PCT Help Desk to inquire about the status of the subject application since a "Notice of Missing Requirements" was anticipated and had not been received. She spoke with Donna Green, who informed her that the correct application number was "09/403,443," not the number shown on the postcard filing receipt. Ms. Pineault was further informed that the PCT's on-line tracking system showed that the case had not yet been assigned to a paralegal, and that the "Notice of Missing Requirements" would not be issued until the application was assigned.

5. On November 20, 2000, Ms. Pineault again telephoned the PCT Help Desk regarding the status of the subject application. She spoke with Dan Stemmer, who confirmed that the application number shown on the postcard was incorrect, that "09/403,443" was the correct application number, and that nothing had been mailed to the undersigned in the case. Mr. Stemmer promised to attempt to track down the case, and Ms. Pineault was advised to call back in one week's time if Mr. Stemmer had not contacted her.

6. On November 29, 2000, Ms. Pineault called Mr. Stemmer since she had not received any further information about the subject application. Mr. Stemmer informed her that he

was unable to physically locate the case, and advised her that a petition under 37 CFR 1.181 should be filed in order to reconstruct the case.

The undersigned asserts that the enclosed papers are true and correct copies of documents which were previously filed on October 22, 1999 in the U.S. Patent Office, and respectfully requests that these copies be used to reconstruct the file for the subject application.

In addition, a signed Declaration of the inventors is enclosed herewith to complete the filing formalities. The surcharge of \$130.00 under 37 CFR 1.492(e) for furnishing the declaration after thirty months from the priority date was paid at the time of filing.

It is believed that no additional fees are due in connection with this communication. However, the Office is hereby authorized to charge any deficiency, or credit any overpayment to Deposit Account 04-1420.

The Office is invited to telephone the undersigned if doing so will expedite the disposition of this petition and the examination of the application.

Respectfully submitted,

Date: December 13, 2000

By: David E. Bruhn

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